

Office Action, the Examiner further requested compliance with 37 CFR 3.73(b) and submission of a copy of the newly cited reference for the Examiner's consideration.

Applicant notes with appreciation the clarification provided by the Examiner in a telephonic communication held on March 18, 1999. In that conversation, the Examiner confirmed that she did in fact have the assignee's consent to the reissue application required by 37 CFR 3.73(b), and that she had found a copy of the newly cited reference in her file. Consequently, no further action is required on the part of the applicant on those matters.

Regarding the "defective Reissue declaration," and the amendments to claims 1, 13 and 25, the Examiner directed the undersigned to contact Special Examiner William Dixon concerning any corrective measures to be taken. The undersigned then contacted Mr. Dixon and explained the problem with the declaration (specifically, that the declaration incorrectly identified the newly added claims as claims 30-33, when in fact the newly added claims are claim numbers 27-30), as well as the form of the amendments which the Examiner had deemed to be non-compliant.

Mr. Dixon stated that the discrepancy in the declaration concerning the numbering of the newly added claims could be corrected by a simple statement confirming that the error in the declaration was inadvertent. Concerning the form of the amendments to claims 1, 13, and 25, Mr. Dixon stated that there was no need to insert the parenthetical expression "amended" in those claims when the amendments are being effected with the filing of the application for reissue. He said the bracketing of omitted text and the interlineation of new text constituted appropriate amendment form, provided the requested amendments were readily intelligible.

The undersigned hereby confirms that the discrepancy between the actual numbering of the newly added claims and the numbering ascribed to those claims in the declaration was inadvertent and that the error was made with no deceptive intent. As there are only four newly added claims, it is apparent that the declaration could only be referring to the newly added claims which are correctly numbered 27-30. Consequently, applicant respectfully requests that the Examiner appreciate the inadvertent error and consider that the declaration refers to the newly added claims correctly numbered as 27-30.

Concerning the amendments effected with the reissue application filing, applicant respectfully submits that in view of Mr. Dixon's comments, the form of those amendments is proper. Favorable reconsideration of the Examiner's position on this issue is therefor requested.

The present amendments are directed to the correction of a typographical error in punctuation (replacing a period with a semi-colon), and replacing the term "series" with the term "plurality." This second amendment is intended to add clarity to the claim limitation. Support for a "plurality" of filters is found in the specification of the issued patent at column 6, lines 6-9, and column 7, lines 30-32, both of which describe the use of multiple filters. No new matter is added by this amendment.

In view of the foregoing, applicant respectfully submits that the bases for rejection set forth in the Examiner's Office Action have been overcome. Favorable reconsideration of the application is therefore respectfully requested.

Respectfully submitted,

ALCON LABORATORIES, INC.

4-16-89  
Date

  
Barry L. Copeland  
Reg. No. 34,801

**Address for Correspondence:**  
**Alcon Laboratories, Inc.**  
**R&D Counsel (Q-148)**  
**6201 South Freeway**  
**Fort Worth, TX 76134**  
**(817) 551-4322**  
**Docket: 1560B**